

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:04cr272

UNITED STATES OF AMERICA

vs.

ELIZABETH WHITE (2)

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ORDER

THIS MATTER is before the Court upon motion of the defendant pro se for a reduction of sentence based on retroactive amendments to the United States Sentencing Guidelines relating to crack cocaine offenses. (Doc. No. 46).

The defendant pled guilty to conspiracy to possess at least 50 grams of cocaine base with intent to distribute. (Doc. No. 43: Judgment at 1). At sentencing, the Court determined that the amount of crack cocaine reasonably foreseeable to the defendant was at least 9.185 kilograms. (Doc. No. 44: Statement of Reasons (SOR) at 1; Presentence Report (PSR) at ¶ 27). The offense level for that amount of drugs was 38. The offense level under the amended guidelines for that amount of drugs remains 38. USSG Supp. to Appx. C., Amend. 706 (2007). Accordingly, the guideline range for the defendant's offense has not been lowered and she is not eligible for a sentence reduction under 18 U.S.C. § 3582(c). USSG §1B1.10(a).

IT IS, THEREFORE, ORDERED that the defendant's motion is **DENIED**.

The Clerk is directed to certify copies of this Order to the defendant, counsel for the defendant, the Community Defender, the United States Attorney, the United States Marshals Service, and the United States Probation Office.

Signed: August 27, 2008

A handwritten signature in black ink, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
Chief United States District Judge

